

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-427V

Filed: August 9, 2023

JOHN PAOLA,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Master Horner

Heather M. Bonnet-Hebert, Feingold Bonnet-Heber, P.C., New Bedford, MA, for petitioner.

Adam N. Muffet, U.S. Department of Justice, Washington, DC, for respondent.

ORDER CONCLUDING PROCEEDINGS¹

On April 14, 2020, petitioner, John Paola, filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa, *et seq.* (2012), alleging that he suffered cellulitis, myositis, nontraumatic compartment syndrome of the left upper extremity, nontraumatic rhabdomyolysis, and eosinophilia as a result of his November 10, 2017 influenza (“flu”) vaccination. (ECF No. 1.) On November 16, 2020, he filed his Statement of Completion. (ECF No. 16.) On February 15, 2022, respondent filed his Rule 4(c) report, recommending against compensation. (ECF No. 28.) Petitioner subsequently filed a letter from his treating physician in support of his claim on May 3, 2023. (ECF No. 37.) However, I issued an order advising a more complete medical opinion would still be necessary. (ECF No. 39.) After explaining petitioner’s burden of proof, I ordered petitioner to file either an expert report consistent with his burden or a motion to dismiss. (*Id.*) On August 7, 2023, petitioner filed a status report indicating his

¹ Because this document contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the document will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

intent to voluntarily dismiss his claim. (ECF No. 40.) On August 8, 2023, petitioner filed a Joint Stipulation of Dismissal on behalf of the parties. (ECF No. 41.)

Accordingly, pursuant to Vaccine Rule 21(a), this case is hereby **dismissed without prejudice**. The Clerk of the Court is hereby instructed that a **judgment shall not enter** in the instant case pursuant to Vaccine Rule 21(a).

IT IS SO ORDERED.

s/Daniel T. Horner

Daniel T. Horner
Special Master